

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

03-CR-6033L

v.

CHAD MARKS,

Defendant.

---

On March 21, 2012, the Supreme Court decided two cases, *Lafler v. Cooper* and *Missouri v. Frye*, dealing with ineffective assistance of counsel in the failure to communicate plea offers to a defendant.

I ask defense counsel to submit a legal memorandum within twenty-one (21) days of the filing of this order as to the effect, if any, of these cases on the case involving defendant Chad Marks. The Government must respond thereafter within fourteen (14) days.

Defense counsel, in its submission, may also reply to the Government's earlier memorandum and brief in opposition to the petition on the basis of ineffective assistance of counsel (Dkt. #398).

IT IS SO ORDERED.



---

DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
March 22, 2012.